

ENTERED

May 16, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ERIC CHRISTOPHER GONZALEZ,
Petitioner,

VS.

LORIE DAVIS, Director TDCJ-CID,
Respondent.

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CIVIL ACTION NO. B-17-184

ORDER

On April 20, 2018, the United States Magistrate Judge filed a Report and Recommendation. [Doc. No. 21]. Petitioner Eric Christopher Gonzalez has objected to said Report and Recommendation. [Doc. No. 22].

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Petitioner Gonzalez' objections, the Court adopts the factual summary and legal conclusions based upon that summary that is found in the Magistrate Judge's Report and Recommendation. Gonzalez's petition for writ of habeas corpus by a person in state custody pursuant to 28 U.S.C. § 2254 is dismissed as untimely filed and unexhausted, but this Court dismisses without prejudice to any further review by the appropriate state court as it finds that, while the state court precedent appears to be contrary to Petitioner's position, the interpretation of that precedent is best left to Texas state courts. *See Hawkins v. Quartermain*, 283 F.3d Appx. 292 (5th Cir. 2008).

Signed this 15th day of May, 2018.



Andrew S. Hanen
United States District Judge